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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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10 BACILIO RUIZ TORRES and JOSE
11 AMADOR, as individuals and on behalf of
12 all other similarly situated persons,

13 Plaintiffs,

14 v.

15 MERCER CANYONS, INC.,

16 Defendant.
17

1:14-cv-03032-SAB

ORDER RE CLASS NOTICE

18 Before the Court is Plaintiffs' Motion to Approve Proposed Class Notice,
19 ECF No. 135, and Defendant's Motion to Stay the Motion to Approve Class
20 Notice. ECF No. 147.

21 Class notice must be "reasonably calculated, under all the circumstances, to
22 apprise interested parties of the pendency of the action and afford them an
23 opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust*
24 *Co.*, 339 U.S. 306, 314 (1950). Class notice must also satisfy Federal Rule of Civil
25 Procedure Rule 23(c)(2)(B) which provides that notice must clearly and concisely
26 state in plain, easily understood language: 1) the nature of the action; 2) the
27 definition of the certified class; 3) the class claims, issues, or defenses; 4) the right
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1 to make an appearance through an attorney; 5) the right to be excluded from the
2 class; 6) the time and manner for opting out; and 7) the binding effect of a class
3 judgment.

4 Here, the content of the proposed notice—as provided in Plaintiffs’ reply,
5 ECF No. 153, is adequate. It provides information regarding the nature of the case,
6 the definition of the certified class, the relief being sought, the method of paying
7 attorneys’ fees, and the ability to and method to opt-out of the class. The notice
8 need not contain a self-addressed stamped envelope for opting out.

9 Additionally, Plaintiffs’ proposed method of notice is adequate as it is
10 reasonably calculated to apprise potential class members of the action. Plaintiffs
11 shall attempt notification by mail and also via a media-strategy which includes
12 Spanish-language radio and Spanish-language and English-language newspaper
13 advertisements.

14 Defendant proposes a temporary stay of class notice until May 25, 2015 or
15 until the Ninth Circuit denies its Rule 23(f) Petition, whichever is sooner.
16 Although the Court does not believe notice will prejudice Defendant, particularly
17 in light of previous media coverage instigated by Defendant, the Court believes a
18 temporary stay is prudent. A temporary stay will lessen the likelihood of needing
19 to send multiple notices to potential class members and a delay until May 25, 2015
20 will not unduly prejudice Plaintiffs. Absent further action from this Court,
21 Plaintiffs may begin the proposed method of notice on May 25, 2015, or upon the
22 Ninth Circuit’s denial of Defendant’s Petition, whichever is sooner.

23 Accordingly, **IT IS HEREBY ORDERED:**

- 24 1. Plaintiffs’ Motion to Approve Proposed Class Notice, ECF No. 135, as
25 modified in the Reply, ECF No. 153, is **GRANTED**.
- 26 2. Defendant’s Motion to Stay the Motion to Approve Class Notice, ECF
27 No. 147, is **GRANTED**.

1 3. Absent further order of this Court, Plaintiffs may begin the proposed
2 method of providing class notice on May 25, 2015, or upon the Ninth
3 Circuit's denial of Defendant's Rule 23(f) Petition, whichever is sooner.

4 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
5 this Order and provide copies to counsel.

6 **DATED** this 7th day of May 2015.



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11 Stanley A. Bastian
12 United States District Judge
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